

1 I, DAVID BOIES, declare as follows:

2 1. I am a Managing Partner in the law firm of Boies, Schiller & Flexner LLP, counsel for
3 Oracle America, Inc. ("Oracle") in the present case. I submit this declaration in support of Oracle's
4 Opposition to Google's Motion to Continue the Trial Date from April 16, 2012 to April 23, 2012.

5 2. I have knowledge of the facts set forth herein, and if called to testify as a witness thereto
6 could do so competently under oath.

7 3. I am, along with Michael Jacobs from Morrison & Foerster LLP, lead trial counsel for
8 Oracle in this case.

9 4. I reside in New York, and am admitted in this district for this case *pro hac vice*.

10 5. Ordinarily I would readily agree to a brief continuation of a trial date at opposing counsel's
11 request. However, because of my schedule prior to September I cannot agree to a delay of this trial
12 without risking being unavailable for the start of other previously scheduled trials.

13 6. I am also lead trial counsel for the defendants in *Invista B.V., et al. v. E.I du Pont de*
14 *Nemours and Company*, 08 Civ. 3063 (SHS) (S.D.N.Y.). On September 27, 2011, Judge Stein
15 scheduled that case for trial starting on June 4, 2012; the trial is expected to continue into July. I am
16 also scheduled to appear as a witness in an unrelated case one day between June 6 and June 8, during
17 which day there will be no trial.

18 7. I am also lead trial counsel for Oracle in another case proceeding in this District, *Oracle*
19 *USA, Inc. v. SAP AG*, No. C07-1658-PJH, before Judge Hamilton. I was lead trial counsel in the
20 original trial of that case which took place in November 2010. On February 28, 2012, the retrial was
21 scheduled for June 18, 2012 and is expected to last two to three weeks. (The trial team in that matter
22 includes Steven C. Holtzman, Fred Norton, and Beko Reblitz-Richardson, each of whom is a key
23 member of the trial team in this case as well.) Judge Hamilton has agreed that the *SAP* trial will trail
24 the previously scheduled *DuPont* trial.

25 8. I am also lead trial counsel for plaintiffs in *Rincon EV Realty LLC, et al. v. CP III Rincon*
26 *Towers, Inc., et. al.*, No. CGC 10-496887, in California state court in San Francisco. On February 24,
27 2012, the court in that matter set that case to go to trial on June 25, 2012. That trial is expected to last
28 two to three weeks.

9. I am also lead trial counsel for the defendants in *Capital One Financial Corp. v. Kanas*, No. 1:11-cv-750 (LO/TRJ) (E.D. Va.). That case is set for trial on July 23, 2012 and is expected to last one week to two weeks.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on March 19, 2012 at New York, New York.

By: /s/ David Boies
DAVID BOIES

**BODIES, SCHILLER & FLEXNER
OAKLAND, CALIFORNIA**

1 ATTESTATION OF FILER
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3 I, Steven C. Holtzman, have obtained David Boies's concurrence to file this document on his
4 behalf.
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6 Dated: March 19, 2012
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BOIES, SCHILLER & FLEXNER LLP
By: /s/ Steven C. Holtzman
Steven C. Holtzman
Attorneys for Plaintiff
ORACLE AMERICA, INC.

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OAKLAND, CALIFORNIA